

To: Clerk of Court

From: Lidya Maria Radin

RE: U.S. v RADIN, 16-cr-528

Date: 2/23/2017

(1) Please file the enclosed "**PETITION FOR ABATEMENT FOR MISNOMER**" with Certificate of Service.

(2) I do not file my papers through the Pro Se Office as Magistrate Debra Freeman's August 17, 2016 Order was already found to be unlawful. I file my paperwork through the Clerk of Court's office, not through the Pro Se Office. The Pro Se Staff attorneys and the staff at the Pro Se Office engage in the unauthorized practice of law, and I already caught them lying in my case(s). Accordingly, I will have nothing to do with them.

(3) Further, I understand that this Court uses the deceptive practice of putting the submissions of a Pro Se, Pro Per, Sui Juris litigant into the hands of a so-called "Pro Se Staff Attorney" who then provides the judge with a summary, often inaccurate and misconstrued, and that this Court does not inform the Pro Se, Sui Juris, Pro Per litigant that this is done. Thus, I demand that this is not done here. I demand that my submissions be given to a federal district judge, not a magistrate judge, directly without input from some nameless, faceless, so-called "Pro Se Staff Attorney" who engages in the unauthorized practice of law by purporting to represent me and/or my case, when, in fact, this individual never ascertained the facts from Me. The so-called "Pro Se Staff Attorney" does not represent me and/or my case. If the judge has a question, then, he/she can ask Me, and/or schedule a hearing, if needed. I demand that my submissions be given to a federal district judge directly, not to a magistrate judge, without passing through the hands of some nameless, faceless, so-called "Pro Se Staff Attorney" who does not represent me, and that my submissions are given to the presiding federal district judge directly, exactly as they were filed, without alteration, without being misconstrued in a summary.

(4) Please do not have court clerks Vincent Babino and Daniel Ortiz process my paperwork as they failed and refused to file my paperwork in the past, as was already confessed and admitted by Chief Deputy Clerk Richard Wilson.

Thank you.

Lidya Maria Radin 2/23/2017
Sui Juris

Lidya Maria Radin, Sui Juris

PETITION FOR ABATEMENT FOR MISNOMER

To: UNITED STATES DISTRICT COURT, 500 Pearl Street, Room 520, New York, New York 10007.

From: Petitioner Lidya Maria Radin; Mail received: c/o Joe Friendly, 203 West 107th Street, #8A, New York, New York 10025.

Regarding: So-called “SUPERSEDING MISDEMEANOR INFORMATION” attached and incorporated as a part of this Petition for Abatement for Misnomer.

COMES NOW, Lidya Maria Radin, a live woman, by authority of the Constitution of the United States, to petition this court to abate the above referenced so-called “ SUPERSEDING MISDEMEANOR INFORMATION ” on the following grounds:

1. The so-called “SUPERSEDING MISDEMEANOR INFORMATION” against “ LIDYA MARIA RADIN ”, a fictitious name, was handed to Me by Courtroom Deputy Bruce Hampton on September 23, 2016 before an ex-parte communication was held between Magistrate Pitman and federal prosecutors, Stephanie Lake and Michael Ferrara. It is not signed by Magistrate Pitman in contradiction to assertions made by Stephanie Lake. It is initialed by Magistrate Pitman’s Courtroom Deputy Bruce Hampton. The “SUPERSEDING MISDEMEANOR INFORMATION” is not supported by a statement of probable cause filed in the federal district court.
2. The “MISDEMEANOR INFORMATION” that preceded this so-called ‘SUPERSEDING INFORMATION’ was abandoned by federal prosecutors Stephanie Lake and Michael Ferrara as a fraud on the Court after I made a federal civil rights complaint with federal authorities on September 7, 2016 against Assistant United States Attorneys Stephanie Lake and Michael Ferrara because the “MISDEMEANOR INFORMATION” asserted the falsehood that the federal district courthouse located at 500 Pearl Street, New York, New York, was “within the special maritime and territorial of the United States” among other falsehoods. In fact, the federal district courthouse located at 500 Pearl Street, New York, New York is not “within the special maritime and territorial of the United States” .

3. The federal ticket violation number H5118172 that preceded the “MISDEMEANOR INFORMATION” is likewise a fraud, was never filed in federal district court, and is not supported by a statement of probable cause filed in federal district court as the court clerks confessed and admitted.
4. Similarly, federal ticket violation numbers H5118158, 6198601, and 6198602 were never filed in federal district court, and were not supported by statements of probable cause filed in federal district court as the court clerks confessed and admitted.
5. Nevertheless, if I ignore this Instrument, the so-called “SUPERSEDING MISDEMEANOR INFORMATION” I was threatened with arrest, so under duress and under threat of being beaten again and killed, see the affidavits of Dean Loren and Myself already filed in this case, see Appendix, Exhibit Three, Radin discovery documents, Bates-stamped USAO_000379 to 388 in connection with the unwarranted physical assault and battery on Me on January 28, 2016 in the federal courthouse, 500 Pearl Street, New York, New York, that could have resulted in paralysis or my death as I am conservatively managing spinal injuries to avoid surgery, I approach this court with this petition that the court abate this Instrument, the “SUPERSEDING MISDEMEANOR INFORMATION” so it cannot in its present form further restrain my liberties.
6. That this Instrument the “SUPERSEDING MISDEMEANOR INFORMATION” was handed to Me is evidence that this is a case of misnomer or mistaken identity. The Instrument is against a fictitious name, “LIDYA MARIA RADIN”. My given, Christian name is “Lidya Maria Radin ” with the initial letter capitalized as required by the Rules of English Grammar for the writing of the names of natural persons. My patronymic, family name or surname is “Radin” with the initial letter capitalized. The “SUPERSEDING MISDEMEANOR INFORMATION” does not name Me as a Party; see also Notes on Roman Law, Law of Persons by Joseph R. Long, copyright 1912, Cornell University Law Library, Cornell University Library call number KJA 147.L84 1912, and Handbook of Common Law Pleadings by Joseph H. Koffler, Professor of Law, New York University, and Alison Reppy, Late Dean and Professor of Law, New York University, West Publishing, copyright 1969.

7. If the complainant or accuser has any claim or argument against Me, it can bring a complaint or accusation against my real name. My objections herein will make it possible for the complainant or accuser to issue a corrected writ, which is the primary purpose of matters in abatement.
8. This is by content, grounds, intent and definition a petition in abatement, and not a plea in bar, and may not be construed as a motion for dismissal or for mere amendment of the Instrument. It may be justly resolved, only by abatement by the court.

When a Petition for Abatement for Misnomer is before a court, that court is charged with according to the petitioner the benefit of the doubt. In addition, courts should take cognizance of the law that provides: Where conditions for its issuance exist, abatement is a matter of right, not of discretion; The misnomer or mis-description of a party is ground for abatement; and Grounds for abatements are the same for equity and law cases.

Except to advise the court that in the absence of abatement for misnomer of the Instrument "SUPERSEDING MISDEMEANOR INFORMATION" as a restraint against my liberty, I shall remain silent.

Dated this 23th day of February 2017 in New York County, State of New York.

Lidya Maria Radin
2/23/2017

Lidya Maria Radin, sui juris

MARK B. LINDE
Notary Public, State of New York
No. 0116121090
Qualified in Westchester County
Certificate filed in New York
Commission Expires Jan. 10, 2021
MB
02/22/17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : SUPERSEDING
: MISDEMEANOR
- v. - : INFORMATION

LIDYA MARIA RADIN, : S1 16 Cr. 528 (HBP)

Defendant. :

- - - - - x

COUNT ONE

The United States Attorney charges:

1. On or about January 28, 2016, in the Southern District of New York, LIDYA MARIA RADIN, the defendant, willfully and knowingly failed to comply with signs of a prohibitory, regulatory, and directory nature, and the lawful direction of federal police officers and other authorized individuals on federal property, to wit, RADIN refused to comply with the lawful directions of authorized court security personnel that she not enter an elevator with another individual at the Federal Courthouse located 500 Pearl Street, new York, New York.

(Title 41, Code of Federal Regulations, Section 102-74.385.)

COUNT TWO

The United States Attorney further charges:

2. On or about July 7, 2016, in the Southern District of New York, LIDYA MARIA RADIN, the defendant, willfully and

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-26-16

knowingly loitered, exhibited disorderly conduct, and exhibited other conduct on federal property that created loud and unusual noise and nuisance, to wit, RADIN yelled and screamed in the lobby of the Federal Courthouse located at 500 Pearl Street, New York, New York.

(Title 41, Code of Federal Regulations, Section 102-74.390(a).)

COUNT THREE

The United States Attorney further charges:

3. On or about July 7, 2016, in the Southern District of New York, LIDYA MARIA RADIN, the defendant, willfully and knowingly failed to comply with signs of a prohibitory, regulatory, and directory nature, and the lawful direction of federal police officers and other authorized individuals on federal property, to wit, RADIN refused to comply with the lawful directions of authorized court security personnel that she leave the Federal Courthouse located at 500 Pearl Street, New York, New York.

(Title 41, Code of Federal Regulations, Section 102-74.385.)


PREET BHARARA
United States Attorney

FILED
MAR 23 P 4 15
U.S. DISTRICT COURT S.D.N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LIDYA MARIA RADIN,

Defendant.

SUPERSEDING
MISDEMEANOR
INFORMATION

S1 16 Cr. 528 (HBP)

(41 C.F.R. § 102-74.390(a).)
(41 C.F.R. § 102-74.385.)

PREET BHARARA
United States Attorney.

9/26/16 Fld. Superseding misdemeanor information.

Pruman, vs MJ

BHL

RECEIVED
2017 FEB 23 P 9 15
U.S. DISTRICT COURT SDNY

U.S. v. RADIN

X Docket No: 16-cr-528

X Proof of Service

I swear, under penalty of perjury, that I served Assistant United States Attorney Stephanie Lindsay LAKE with:

"PETITION FOR ABATEMENT FOR MISNOMER" by U.S. Mail on Thursday, Feb. 23, 2017, tracking number:

7014 2120 0002 7354 2411

See the accompanying receipts.

Ludya Maria Radin

Su. juris

2/23/2017

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 or PO Box No. U.S. Attorney's Office

City, State, ZIP+4 NY, NY 10007 Arduani's Plaza

PS Form 3800, July 2014 See Reverse for Instructions

CATHEDRAL STATION APC 3
 215 W 104TH ST
 NEW YORK, NY 10025-9998

02/23/2017

05:38:23 PM

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
NEW YORK, NY 10007-1701			\$1.19
Zone-0			
First-Class Mail® Large Envelope			
% USPS Certified Mail™:			
See receipt from form on mailpiece			
7014 2120 0002 7354 2411			
0 lb. 1.80 oz.			
* Expected Delivery Day Monday, February 27.			
Certified Mail™			\$3.35
Return Receipt (U.S. Mail)			\$2.75
Return Receipt #:			
9590 9402 1773 6074 5060 22			
Issue Postage:			\$7.29
Total:			\$7.29

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 2017 FEB 23 P 9:15
 U.S. DISTRICT COURT SDNY

Lidya Radin
c/o Friendly
203 W. 107th St, #8A
New York, New York 10025

USM^{5W}
SDNY

★ NOT
For the Pro
SE office ★

Clerk of Court
500 Pearl Street
S.D. N.Y.
New York, New York 10007